

ORIGINAL

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June 10, 2011

Re: Black Mountain Sewer Corporation
Docket No: SW - 02361A - 08 - 0609
De-commissioning the Boulders WWTP

Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007 - 2927

Arizona Corporation Commission
DOCKETED

JUN 14 2011

DOCKETED BY 

Commissioners : Gary Pierce, Chairman
Brenda Burns, Commissioner
Sandia D. Kennedy, Commissioner
Paul Newman, Commissioner
Bob Stump, Commissioner

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ARIZONA CORPORATION COMMISSION
DOCKETING SECTION

Dear Commissioners:

We own the residence located at 1037 Boulder Drive, Carefree Arizona in the Boulders Resort. Our home is contiguous to the sewer plant owned and operated by the Black Mountain Sewer Corporation. The plant releases highly noxious gases to the atmosphere, which over the last several years have become unbearable to anyone that resides in or even visits (cont'd)

(2)

Arizona Corporation Commission

our home. Last year the situation became intolerable and we were forced, reluctantly to leave our home.

Our granddaughters ages 6 and 9 were visiting from California last summer and we were trying to enjoy our small spa/pool with the girls. At one point, about 7:30 pm the girls complained about the smell from the plant and said it was irritating their eyes and making them feel sick. Finally, we took them inside never to venture outside with them during their visit. Previously we had asked the plant operators to monitor the fumes and they had placed some sort of monitoring device outside our patio. We never received any feedback from the operators on the nature and severity of the fumes even though the device was in place for 4-5 months.

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Arizona Corporation Commission

After our granddaughters left we retained CSC, a health + safety engineering and environmental firm in Tempe to investigate the problem. At our expense, CSC came out to the house with a wide array of monitoring devices to measure both air and soil quality and identify the root cause of the problem. Plant management agreed in advance to allow CSC to take measurements directly outside and inside the plant, in addition to readings on our property. Plant management reversed their decision when CSC arrived and would not allow CSC to take measurements on or inside plant property.

CSC finally determined that the principal cause of the noxious fumes was hydrogen sulfide. We then retained CSC to return with
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Arizona Corporation Commission

more sophisticated instruments to ascertain the severity of this hydrogen sulfide problem.

In a December 27, 2010 report the CSC summarized their findings and concluded:

"levels observed at the Marshall residence are above the ATSDR odor threshold and are capable of increasing eye symptoms, nausea, headaches, mental symptoms and diseases of the nervous system and sense organs. Furthermore, they are above the WHO 30-minute odor annoyance guideline and the NS EPA Rfc."

After further discussions with CSC we concluded that the noxious fumes represented a significant health hazard and we were thus forced to abandon our beautiful home in the Boulders. We are now renting a house in Scottsdale. We also notified Black Mountain and the Boulders resort management of the CSC findings.

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We pleaded with both organizations to close the plant for health reasons on top of the other issues presently under consideration. To date, no decision from either entity is forthcoming. It appears that this is a classic case of the "approach / avoidance syndrome," wherein both organizations promise to take a certain action and as that decision appears imminent they back track. Furthermore, based on our knowledge neither organization has either attempted to investigate the CSC conclusions nor notified the public of a potential health hazard.

In fact the sewer plant remains open because management/owners of both entities appear to place a few blades of brown grass on a golf course, perhaps for a week or two, twice a year, above the health and general well being of affected residents and golfers. Given that the Boulder Resort has knowledge of the CSC

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Arizona Corporation Commission

results and doesn't warn members and golfers represents an extremely untenable situation.

In conclusion, we respectfully request the Commissioners, in the interests of the affected public, to order the plant closed. Left to their own devices neither organization will ever take this decision, believing it is not in their economic interests. In effect, the public be damned is their apparent attitude. This plant has long outlived its usefulness while serving the original needs of the community and returning significant economic benefits to both the plant owners and the resort.

We gratefully acknowledge the work of the Commissioners and Commission staff and hope / trust that you will act to end this public nuisance and potential health hazard.

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(7)

Thank you for your consideration
and your service to the
community.

Respectfully,

Robert B. Marshall
Kathryn M. Marshall